

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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| JEANNIE PATORA individually on behalf of : herself and all others similarly situated, | : | Case No.: 7:18-cv-11760-KMK |
| | : | |
| <i>Plaintiff,</i> | : | |
| v. | : | |
| | : | NOTICE OF COMMENT RECEIVED |
| TARTE, INC., | : | PURSUANT TO 28 U.S.C. § 1715 |
| | : | |
| <i>Defendant.</i> | : | |
| | : | |

TO THE COURT AND ALL COUNSEL OF RECORD: Plaintiff Jeannie Patora, individually on behalf of herself and all others similarly situated, and Defendant Tarte, Inc., (collectively, “the Parties”) wish to notify the Court regarding a comment that the Parties received from the Office of the Texas Attorney General in response to the notice of class action settlement required by the Class Action Fairness Act (“CAFA”).

1. On January 24, 2019, Plaintiff filed a motion for preliminary approval of a class action settlement of the above-captioned matter.
2. On February 1, 2019, pursuant to CAFA, 28 U.S.C. § 1715, the Parties served notice of the proposed classwide settlement on the Attorneys General of the fifty states, the United States, and the U.S. Territories.
3. On March 18, 2019, the parties received an email from Paul Osadebe, Assistant Attorney General in the Texas Office the Attorney General, inquiring whether it was the Parties’ intention, in the release provision of the class action settlement agreement (§ 2.25), to prevent class members from making claims in the event of an administrative proceeding on behalf of the general public. If not, Mr. Osadebe suggested that the following clarifying language be added to

the provision: “provided, however, nothing in this section shall be construed to prohibit Class Members from participating in or receiving benefits from any government or regulatory-initiated enforcement action.”

4. The Parties have met and conferred, and have no objection to including the proposed clarifying language in Section 2.25.

5. Accordingly, the Parties propose that, if the Court grants preliminary approval of the settlement agreement, the class notice be modified to reflect the addition of this clarifying language to the release, and the settlement agreement be amended to reflect this change to section 2.25, prior to its being posted on the settlement website.

6. The Parties believe that it is most efficient to make these changes after the preliminary approval hearing, so that they can be made in concert with any other changes the Court may have to the notices and/or settlement. The Parties believe this modification does not have a material impact on the Motion for Preliminary Approval or supporting papers.

Dated: April 24, 2019

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